

Chronology

Water Quality Standards (WQS) for Coffee Creek and Mossy Lake Ashley County, Arkansas¹

DATE	DESCRIPTION
1937	Crossett Company begins first paper mill operations and Coffee Creek is used to convey mill effluent to the Ouachita River.
1962	Georgia-Pacific Corporation (GP) takes ownership of the mill. Effluent was treated to meet downstream WQS for the Ouachita River because Coffee Creek (including Mossy Lake) was viewed by GP as being part of the mill waste treatment system, not waters of the U.S.
1973	Arkansas proposed WQS revisions which included a use classification for Coffee Creek of C _{iw} (Class C stream consisting of treated industrial wastewater). After public comment and with strong encouragement from EPA, Coffee Creek was classified as a Class B stream, with a dissolved oxygen criterion of 2 mg/L and default chloride, sulfate, and total dissolved solids criteria of 250 mg/L, 250 mg/L, and 500 mg/L, respectively. GP provided comments requesting that Coffee Creek remain unclassified, as it was considered part of the mill waste treatment system.
December 1974	NPDES permit issued for GP discharge was written to meet WQS for the Ouachita River.
March 1977	EPA informed GP that their discharge point would have to be considered as the discharge from their aerated lagoon (upstream of Mossy Lake) instead of the mouth of Coffee Creek, since Coffee Creek was considered to be a water of the U.S.
August 12, 1979	New regulations became effective which specifically defined waters of the U.S. to include waters such as Coffee Creek.
January 25, 1980	Arkansas Commission on Pollution Control and Ecology adopted revisions which exempted Coffee Creek (including Mossy Lake) from all specific and certain general water quality criteria. The only applicable criteria were the narrative criteria for: nuisance, taste and odor, solids, floating materials and deposits, and toxic substances. A short justification based upon natural background (i.e., ephemeral nature of the Coffee Creek) was provided to support the revision.
May 12, 1980	WQS revisions adopted on January 25, 1980, were submitted to EPA for review and approval.
August 14, 1980	WQS revisions adopted on January 25, 1980, including revisions to WQS for Coffee Creek, were approved by EPA.

¹ Information gathered from a file review conducted on February 8, 2008. File name: WA/WQ/U/AR 213A. GC-3-8 VOL 001 – Coffee Creek. File No.: \$00386640.

DATE	DESCRIPTION
August 18, 1980	EPA Region 6 received a memo from EPA Headquarters stating that recent policy changes rendered the natural background justification for the Coffee Creek criteria exemptions insufficient, since the total volume of flow in the stream (natural and effluent) was sufficient to support the fishery/recreation designated uses. The memo required an economic analysis be performed to determine if meeting the WQS would cause widespread and substantial adverse impact and thereby justify a use downgrade.
September 12, 1980	EPA Region 6 replied to the memo from EPA Headquarters received on August 18, 1980, saying that it had already approved the WQS revisions to Coffee Creek because it had not received the comments from Headquarters in time. EPA Region 6 clarified that the criteria exemptions for Coffee Creek would have to be re-justified during the State's next triennial review.
August 27, 1984	Arkansas' Commission on Pollution Control and Ecology held a public hearing for proposed WQS revisions associated with the State's 1984 triennial. Proposed revisions included adding warm water fisheries and primary contact recreation designated uses for Coffee Creek. Johnny S. Carter of GP made a presentation to the Commission which described five reasons (associated with the five use removal justification factors currently found at 40 CFR 131.10(g)) to justify why these uses should not be designated for Coffee Creek. Ultimately, Coffee Creek was only designated for industrial and agricultural water supply as part of the 1984 triennial revisions.
January 28, 1985	EPA approved the 1984 triennial revisions with several required actions, one of which was the completion of a use attainability analysis (UAA) for Coffee Creek.
October 1, 1987	GP sent a letter to EPA transmitting an economic UAA titled, "An Environmental and Economic Assessment for an Alternative Wastewater Treatment System at the Georgia-Pacific Facility at Crossett, Arkansas."
December 2, 1987	GP sent a letter to EPA transmitting additional information to be incorporated into the previous UAA and which examined the economic impact of treating the effluent to meet WQS in Coffee Creek and Mossy Lake.
April 26, 1988	EPA approved the UAA and stated that the approval satisfied the required action associated with Coffee Creek as set forth in its previous approval letter dated January 28, 1985.
2000	Correspondence discusses: EPA site-visits to GP; sampling conducted in the Ouachita; modeling related to a dissolved oxygen TMDL for the Ouachita; and concerns associated with the administrative extension of the GP permit which expired on October 31, 1999.
March 14, 2002	Representative John Cooksey sent a letter to Christine Todd Whitman (EPA Administrator) expressing concerns regarding the GP Crossett Mill discharge and requesting EPA's help in completing the necessary testing of water quality in the Ouachita River to evaluate the impact of the GP discharge and to reissue a new permit for the facility.
January 2003	An assessment of water quality data for the Ouachita River from the Felsenthal Reservoir to Sterlington, LA, funded by EPA was completed.

DATE	DESCRIPTION
July 31, 2004	NPDES permit for GP was issued and became effective on September 1, 2004.
February 14, 2005	James W. Cutbirth with GP sent a letter to Richard Green (EPA Regional Administrator) questioning the necessity and authority for a new water quality study of Coffee Creek and Mossy Lake to be conducted by the University of Arkansas under a grant from EPA (Contract 68-C-02-111, Task Order 0011). The letter also reinforces GP's continuing belief that "under the Clean Water Act, 33 U.S.C. 1251 et seq., Mossy Lake and Coffee Creek from the plant site to Mossy Lake, being an integral part of G-P's wastewater treatment system since 1937 (25 years before the Clean Water Act was enacted), are not Waters of the United States."
January 2008	EPA transmitted an electronic copy of the UAA report for Coffee Creek and Mossy Lake to the Arkansas Department of Environmental Quality and sent Georgia-Pacific a hardcopy by certified mail (which was received by GP on January 16, 2008).
July 2008 – March 2009	GP requested in separate letters during this time period that EPA withdraw the 2007 Parson's UAA. EPA responded that it would not withdraw the UAA and urged the state to adopt 101(a)(2) uses for Coffee Creek and Mossy Lake
March 2009 – December 2009	EPA comments in letters and in email correspondence with the state that adoption of 101(a)(2) uses in Coffee Creek and Mossy Lake should be a priority for the upcoming triennial. Likewise, three other waterbodies (Railroad Hollow Creek, unnamed tributary to Smackover Creek and unnamed tributary to Flat Creek) lack 101(a)(2) uses and should be addressed.
April 2010	Representatives from GP and ADEQ met with 6WQ management and staff, in Dallas, to discuss Coffee Creek and Mossy Lake. EPA asserted in the discussion that the 2007 UAA exhibited the presence of an aquatic life use and that the state must review waters, such as these, every three years to ascertain if they can meet the designated uses. Immediately following the meeting, EPA sent a letter to ADEQ outlining options for the state to take in remedying the situation.
August 2010	ADEQ responded to EPA's April letter and stated their intent to conduct a UAA with the goal of developing a sub-category aquatic life use for Coffee Creek and Mossy Lake, as per one of the options outlined in EPA's letter.
August 2011	EPA reviewed GP's UAA workplan and provided comments. Field work was expected to commence later in the fall.
November 2011	GP Crossett representatives travelled to EPA in response to an EJ complaint made about the facility. Part of the complaint stemmed from the release of a video purporting to show visible pollution in the facility's effluent. GP contended that the video was shot on GP property prior to treatment. At the meeting, GP relayed that sampling for the UAA had begun.
October 2012	In a verbal communication with ADEQ, it was relayed that GP contractors are wrapping up field work and entering into the writing phase of the project. ADEQ expects a draft to be available for comment by spring 2013.

DATE**DESCRIPTION**

December 2013

EPA receives from ADEQ a first draft of the GP UAA for review and comment.